

leading since they represented, suggested, and created in the mind of the reader the impression that the article was effective in the treatment of the condition mentioned, whereas it was not so effective; and (4) in that it purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear such information concerning its vitamin properties as has been determined to be, and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses, since the label failed to bear a statement of the proportion of the minimum daily requirement for such vitamins supplied by the food when consumed in a specified quantity during a period of 1 day, as required by the regulations.

On June 8, 1943, the Post Quality Foods Co. having appeared as claimant and having admitted the allegations and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5109. Adulteration of tea. U. S. v. 97 Cases of East India Types of Black Tea. Default decree of condemnation and destruction. (F. D. C. No. 9788. Sample No. 17590-F.)

The cases containing this product showed signs of having been water-damaged. The time at which such damage occurred was not determined. Examination showed the product to be moldy.

On or about April 16, 1943, the United States attorney for the District of New Jersey filed a libel against 97 cases, containing a total of 11,557 pounds, of East India types of black tea at Hoboken, N. J., alleging that the article had been shipped in interstate commerce on or about January 23, 1943, by the Standard Brands, Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5110. Adulteration and misbranding of bar-lemon. U. S. v. 9½ Cases of Bar-Lemon. Default decree of condemnation and destruction. (F. D. C. No. 10018. Sample No. 39304-F.)

On May 28, 1943, the United States attorney for the District of Arizona filed a libel against 9½ cases, each containing 12 bottles, of bar-lemon, at Globe, Ari. alleging that the article had been shipped in interstate commerce on or about April 24, 1943, by C. E. Stratman from San Diego, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Carl's Bar-Lemon Concentrated Lemon Juice Made From California Lemons (design of a lemon)."

The article was alleged to be adulterated (1) in that a valuable constituent, lemon juice, had been in whole or in part omitted therefrom; (2) in that an artificially colored phosphoric acid solution with added dextrose had been substituted wholly or in part for concentrated lemon juice; (3) in that inferiority had been concealed by the addition of artificial color; and (4) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded (1) in that the statements, "Bar-Lemon Concentrated Lemon Juice Made From California Lemons * * * Use same as lemon juice," and the design of a lemon, were false and misleading as applied to an artificially colored phosphoric acid solution with added dextrose; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food, concentrated lemon juice, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and (5) in that it contained artificial coloring and failed to bear labeling stating that fact.

On July 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5111. Misbranding and alleged adulteration of fruit flavored beverages. U. S. v. 132 Cases of Good-Rich Orange, 33 Cases of Good-Rich Pineapple-Orange, and 3 Cases of Good-Rich Grape Fruit. Consent decree ordering product released under bond for relabeling. (F. D. C. No. 9862. Sample Nos. 7138-F to 7140-F, incl.)

On April 29, 1943, the United States attorney for the Eastern District Arkansas filed a libel against the above-named products at Blytheville, Ark., which had been shipped on or about August 10, 1942, and January 15, 1943, by